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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 22nd April, 1994:—

BILL NO. 6 OF 1994

A Bill to prohibit institution, promotion, conduct and sale of lotteries and for matters connected therewith.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Lotteries (Prohibition) Act, 1994.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, "lottery" means making arrangement for distributing prizes through draw of lots by shuffling numbers corresponding to those on tickets among the purchasers of such numbered tickets.

Prohibition of lotteries.

3. (*1*) The Central or the State Government or any organisation, or undertaking under its control shall not promote, conduct and put for sale any lottery or lottery tickets in any manner whatsoever or receive or remit any money in pursuance of such lottery.

(2) No person, including a corporate body and a co-operative, who is a resident of or in based in any Union Territory including the National Capital Territory of Delhi, shall float, promote, conduct and put for sale any lottery or lottery tickets in any manner whatsoever or receive or remit any money in pursuance of such lottery.

Punishment.

4. (1) Any person who contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

(2) Any person who with a view to the promotion or conduct of any lottery in contravention of the provisions of this Act,—

(a) print or publishes any ticket for use in a lottery; or

(b) sells or distributes or offers or advertises for sale or distribution or has in his possession for the purpose of sale or distribution of any ticket for use in the lottery; or

(c) uses any premises or causes or knowingly permits any premises to be used for purposes connected with a lottery; or

(d) causes or procures or attempts to procure any person to do any of the above mentioned acts.

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to thirty thousand rupees or with both.

Offences by companies and Departments, etc. under the control of Government.

5. Notwithstanding anything contained in any other law for the time being in force, where an offence under this Act has been committed by a company or a Department or any undertaking or any organisation under the control of Central or a State Government, every person who, at the time when the offence was committed, was in-charge of and was responsible to such company or the Department or undertaking or organisation, as the case may be, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Court empowered to try offences.

6. No court inferior to that of a Chief Metropolitan Magistrate or as the case may be, Chief Judicial Magistrate shall try any offence punishable this Act.

Offences to be cognizable.

7. All offences punishable under this Act shall be cognizable.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

People, especially, those belonging to economicaly weaker sections, have a desire, nay craze, to become millionaires, overnight. In pursuit of this craze, they resort to various games of chance, such as gambling, satta, mathka, horse, races and last but not the least, lotteries. Lotteries run by Government, both Central and States, offer a greater lure to poor man since it by, implication, seemingly involves Government security, even though Government lotteries are as elusive and deceptive as any other lottery and other games of chance—a trial of luck.

To exploit this instinct of the common man, the promoters of lotteries evolve varied dubious means to attract more and more people to invest in lotteries and corner the gains to serve their vested interests. Many have started daily, weekly, bi-weekly, fortnightly and monthly lotteries, with several schemes offering crores of rupees as prize-money which only lures and eludes. Soon lottery-ticket purchasing goes deep into the psyche of common man like an addiction, hard to give up.

Since lotteries, both public and private, like all games of chance, in a way, constitute gambling, depriving the common man of his hard-earned savings, in his desire for achieving an *Eldorado* of his dreams, a mirage, which eludes the most, and comes into reach but rarely, leaving all including winners in the condition of hard boiled *addicts*. Many families have been ruined in the process. Some unscrupulous elements have introduced *Satta* business in lottery tickets duping the people in craze of money. This gamling, though recognised as legal under the constitution and various State-laws, have to be stopped in the larger interests of the society. Even though it is a legal means to collect revenues, but at what cost?

The cost is too high for the society to afford for it leads to the ruin of a large number of families and millions of people to a condition of addiction.

Amazingly for over 46 years after independence, and forty-three years after the adoption of the Constitution of India, no Central law has been enacted for regulation or prohibition of Central and State Government lotteries under entry 40 of List—I Union List of the Seventh Schedule to the Constitution of India. It would, thus, be prudent to ban all sorts of lotteries, public and private to save the common man from this trap.

This Bill thus seeks to ban all lotteries, State run and privately floated.

NEW DELHI;
December 5, 1993.

SHRAVAN KUMAR PATEL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, or normal character.

BILL NO. 11 OF 1994

A Bill *to amend the Protection of Human Rights Act, 1993*

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Protection of Human Rights (Amendment) Act, 1994.

(*2*) It shall come into force at once.

Amendment of section 2.

2. In section 2 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1), clause (a) shall be omitted. 10 of 1994.

Omission of section 19.

3. Section 19 of the principal Act shall be omitted.

Substitution of new section for section 30.

4. For section 30 of the principal Act, the following section shall be substituted, namely:—

Human Rights Courts.

"30. For the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up for each district a special court to be a Human Rights Court to try the said offences.".

STATEMENT OF OBJECTS AND REASONS

The Protection of Human Rights Act, 1993, which was recently enacted is a landmark legislation in the field of human rights. The Act, no doubt, meets the demand of the present times and takes care of all kinds of violations of human rights. However, there are two serious shortcomings in this Act which may render it less effective than what it was intended to be. The first shortcoming is the special procedure to be followed by the Commission in dealing with complaints of human rights violations by members of the armed forces under section 19 of the Act. The Commission, as such, has no authority to investigate or try the offences committed by the members of the armed forces. Since the members of the armed forces are likely to become target of malicious attack by vested interests and since the special procedure prescribed for members of armed forces is, in essence, against the spirit of this legislation, it would be proper that armed forces are also brought under the jurisdiction of the Commission and the special procedure with respect to armed forces be dispensed with.

The second shortcoming is that of the discretionary provision of setting up of special courts for trying the offences under this law. Since these offences are being treated on a special footing, the instrumentality of ordinary courts will be ineffective and time-consuming and hence would defeat the object of the law. Therefore, it has been proposed that it should be made obligatory on the part of the State Governments to set up special courts for each district for speedy trial of offences arising out of violations of human rights.

The Bill seeks to achieve these objects.

NEW DELHI;
February 4, 1994.

RAMESH CHENNITHALA.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that every State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up special Courts in each district for speedy trial of offences arising out of violation of human rights. The setting up of special Courts in Union territories will involve expenditure out of the Consolidated Fund of India. As far as States are concerned, the expenditure involved for setting up of special courts shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may have to assist the State Governments in setting up of special Courts.

The Bill, therefore, if enacted, will involve expenditure out of the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty five lakh per annum.

It is also likely to involve a non-recurring expenditure of about rupees ten lakh from the Consolidated Fund of India.

BILL NO. 14 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1994.

Amendment of Tenth Schedule.

2. In the Tenth Schedule to the Constitution of India,—

(*i*) in paragraph 1, after clause (*d*), the following clause shall be inserted, namely:—

"(*e*) "unattached member" means an elected member of a House who has been expelled from the membership of his original political party and declared as such by the Chairman or the Speaker of a House";

(*ii*) in sub-paragraph (1) of paragraph 2, after Explanation, the following proviso shall be inserted, namely:—

"Provided that a member who has been declared as an unattached member by the Chairman or the Speaker of a House shall not be deemed to belong to the political party by which he was set up as a candidate for election as such member from the date he is declared as as an unattached member and the provisions of clause (*b*) of sub-paragraph (*1*) of this paragraph shall not apply to such member.".

STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution popularly known as the anti-defection law, contains certain ambiguities which have come to light in the course of its application since it has come into operation. The main problem that has arisen is with regard to the status and rights of a member who has been expelled from the membership of a political party by which he was set up as a candidate for election. As per the present provisions of the Tenth Schedule, an expelled member would be disqualified for being a member of the House if he violates any direction issued by the whip of the party which expelled him. The first landmark decision on this aspect after the law came into effect, invented the term 'Unattached" in order to get round this problem. But this term is not a part of the law, with the result, a different view can be taken in a similar situation in future. It is, therefore, necessary to amend the law so as to make this term a part of it and put an end to the ambiguity in this respect. This Bill seeks to achieve this object by suitably amending the Tenth Schedule to the Constitution of India.

NEW DELHI;
February 4, 1994.

RAMESH CHENNITHALA

BILL No. 13 OF 1994

A Bill further to amend the Representation of the People Act, 1950.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1994.

(2) It shall come into force at once.

Amendment of section 20.

2. In section 20 of the Representation of the People Act, 1950, after sub-section (1B), the following sub-section shall be inserted, namely:— 43 of 1950.

"(1C) A person absenting himself from his place of ordinary residence by reason of his employment in a foreign country shall not by reason thereof cease to be ordinarily resident therein.".

STATEMENT OF OBJECTS AND REASONS

A very large number of Indian citizens who are employed outside the country are not registered as voters in the electoral rolls as they are not considered to be ordinarily resident in a constituency. They bring prosperity to the country by working abroad. They participate in the economic re-construction of the country. But, they cannot participate in the electoral process as the provision of the Representation of the People Act, 1950 prohibits the citizens employed abroad from voting at elections because they are not covered under the definition of 'ordinarily desident' in a constituency.

Therefore, it is proposed to amend the Act so as to enable such citizens to vote at elections held in the country.

The Bill seeks to achieve the above object.

NEW DELHI;
February 4, 1994.

RAMESH CHENNITHALA.

BILL NO. 10 OF 1994

A Bill to amend the Constitution (Sikkim) Scheduled Tribes Order, 1978.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Sikkim) Scheduled Tribes Order (Amendment) Act, 1994.

Substitution of new Schedule for the Schedule.

2. In the Constitution (Sikkim) Scheduled Tribes Order, 1978, for the Schedule, the following Schedule shall be substituted, namely:— (C.O. 111)

"THE SCHEDULE

1. Bhutia.
2. Chumbipa.
3. Dopthapa.
4. Dukpa.
5. Kagatey.
6. Lepcha.
7. Limboo.
8. Sherpa.
9. Tamang.
10. Tibetan.
11. Tromopa.
12. Yolmo.".

STATEMENT OF OBJECTS AND REASONS

The tribes of the Limboos and Tamangs in the State of Sikkim have not been included in the list of Scheduled Tribes for the State and, therefore, the people belonging to these tribes are not able to derive the various benefits which are provided to the Scheduled Tribes under the Constitution of India. Even the State Government of Sikkim has recommended the inclusion of these tribes in the list of Scheduled Tribes.

The Limboos and the Tamangs are inhabitants of remote and interior areas of the State of Sikkim which are not easily accessible. They have a sizable population having their own distinct historical background and culture. The Limboos were treated at par with the Lepchas and Bhutia Tribes of Sikkim even prior to the merger of Sikkim into the Union of India in the year 1975. The Tamangs are Buddhists by religion. They belong to the same ethnic group of Tibetan, Sherpas, Dukpas and Kagateys. While the above tribes belonging to the same ethnic group, have been included in the list of Scheduled Tribes, the Limboos and the Tamangs have been left out.

Therefore, to give them justice and in view of their economic, educational and social backwardness, the Limboo and Tamang tribes should be included in the List of Scheduled Tribes for the State of Sikkim by suitably amending the Constitution (Sikkim) Scheduled Tribes Order, 1978.

Moreover, in the Constitution (Sikkim) Scheduled Tribes Order, 1978, Bhutia tribe is shown to be including Chumbipa, Dopthapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa and Yolmo tribes. However, this is not a fact. All these tribes are separate from the Bhutia tribe. Representations have also been made to the President of India and the Prime Minister of India to show these tribes as separate tribes from the Bhutia tribe. The necessary corrective measure has not been taken so far. The Bill, therefore, seeks to rectify the situation.

NEW DELHI;
February 4, 1994.

DIL KUMARI BHANDARI.

BILL No. 16 OF 1994

A Bill further to amend the Railway Protection Force Act, 1957.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Railway Protection Force (Amendment) Act, 1994.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new long title for long title.

2. In the Railway Protection Force Act, 1957 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:— 23 of 1957.

"An Act to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property and for investigation of offences against railway property.".

Amendment of section 2.

3. In section 2 of the principal Act, in sub-section (*1*),—

(*i*) clauses (*ba*) and (*bb*) shall be omitted;

(*ii*) in clause (c), the words "other a superior officer" shall be inserted at the end;

(*iii*) clause (*ea*) shall be omitted; and

(*iv*) clause (*fa*) shall be omitted.

Amendment of section 3.

4. In section 3 of the priscipal Act,—

(*i*) in sub-section (*1*), for the words "an armed Force of the Union", the words "a force" shall be substituted; and

(*ii*) in sub-section (*2*), for the words "superior officers, subordinate officers, under officers and other enrolled members", the words "superior officers and members" shall be substituted.

Amendment of section 4.

5. In section 4 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors General, Additional Inspectors-General, Deputy Inspectors-General-cum-Chief Security Officers, Deputy Chief Security Officers, Security Officers and Assistant Security Officers of the Force.".

Insertion of new section 5.

6. After section 4 of the principal Act, the following section shall be inserted, namely:—

Classes and ranks among Members of the Force.

"5. There shall be the following classes of officers and other ranks among the members of the Force, who shall take rank in the order mentioned, namely:—

A. Classes of Officers—

(*i*) Inspector,

(*ii*) Sub-Inspector,

(*iii*) Assistant Sub-Inspector.

B. Classes of other ranks—

(*i*) Head Constable,

(*ii*) Naik,

(*iii*) Constable.".

Amendment of section 6.

7. In section 6 of the principal Act, for the words "enrolled members", the word "members" shall be substituted.

Substitution of new section for section 8.

8. For section 8 of the principal Act, the following section shall be substituted, namely:—

"8. (*1*) The Superintendence of the Force shall vest in the Central Goversment, and subject thereto the administration of the Force shall vest in the Director-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(*2*) Subject to the provisions of sub-section (*1*), the administration of the Force within such local limits in relation to a railway as may be prescribed shall be carried on by the Chief Security Officer in accordance with the provisions of this Act and of any rules made thereunder, and he shall discharge his functions under the general supervision of the Director-General:

Provided that so far as the duties of protection and safeguarding the railway property are concerned, the Chief Security Officer shall discharge his functions under the general supervision of the General Manager of the concerned Railway.

Amendment of section 9.

9. In section 9 of the principal Act,—

(*i*) in sub-section (*1*), for the words "enrolled member", at both the places where they occur, the word "member" shall be substituted; and

(*ii*) in sub-section (*2*), for the words "enrolled member" the word "member" shall be substituted.

Insertion of new section 12A and 12B.

10. After section 12 of the principal Act, the following section shall be inserted namely:—

Power to investigate.

"12A. When any person is arrested in accordance with clause (*ii*) or (*iii*) of section 12, the officer of the Force shall proceed to inquire into the charge against such person and for this purpose an officer of the Force may exercise the same powers and shall be subject to the same provisions as he may exercise and is subject to under the Railway Property (Unlawful Possession) Act, 1966, when inquiring into a case and/or the officer-in-charge of a police station may exercise and is subject to under Code of Criminal Procedure, 1973 when investigation into a cognizable offence. 29 of 1966 2 of 1974.

Procedure after arrest

12B. Any superior officer or a member of the Force making an arrest under clause (*i*) or (*iv*) of section 12 shall without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the nearest police station.".

Omission of section 14.

11. Section 14 of the principal Act shall be omitted.

Substitution of new section 15.

12. For section 15 of the principal Act, the following section shall be substituted, namely:—

Officers and members of the Force to be considered always on duty and liable to be employed in any part of the Railways.

"15. (*1*) Every superior officer and member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed in any part of the railways throughout India.

(*2*) No superior officer or member of the Force shall engage himself in any employment or office other than his duties under this Act."

13. For section 15A of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for section 15A

"15A. (*1*) No superior officer or member of the Force shall enrol himself as a member of, or work for, or make any contribution, directly or indirectly, to any trade union. Right to form Service Associations.

(*2*) A superior officer of the Force may, however, be a member of an association consisting of members of the service to which he belongs or of an association of gazetted officers of Railway services of the same class.

(*3*) A member of the Force may, however, be a member of an association consisting of members of the service to which he belongs or of an association of members of the Force.

(*4*) Any such association as is mentioned in sub-sections (*2*) and (*3*) shall not affiliate itself to any other union or association whatsoever.

"15B. The Central Government may, from time to time, specify the authority competent to recognise associations as are referred to in section 15A, the conditions for their recognition and the privileges to be enjoyed by such recognised associations including procedure for withdrawal of such recognition.". Recognition of associations.

14. For section 17 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 17.

"17. (*1*) Without prejudice to the provisions contained in Section 9, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a superior officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding six months. Penalties for negnect of duty, etc.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable.". 2 of 1974.

Substitution of new section for section 19.

15. For section 19 of the principal Act, the following section shall be substituted, namely:—

Certain Acts not to apply to members of the Force.

"19. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947 or the Factories Act, 1948, shall apply to members of the Force." 4 of 1936. 14 of 1947. 63 of 1948.

Amendment of section 21.

16. In section 21 of the principal Act for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

(*a*) regulating the classes and grades and the pay and remuneration of superior officers and members of the Force and their conditions of service in the Force;

(*b*) regulating the powers and duties of superior officers and members of the Force authorised to exercise any functions by or under this Act;

(*c*) fixing the period of service for superior officers and members of the Force;

(*d*) regulating the punishments and providing for appeals from or the revision of, orders of punishments, or the remission of fines or other punishments;

(*e*) any other matter which has to be, or may be, prescribed

STATEMENT OF OBJECTS AND REASONS

The crime on the railways, with the damage to the railway property and to the property of the train passengers has increased manifold. There are two agencies to combat crime on the railways—(i) the Railway Protection Force and (ii) the Government Railway Police. The Railway Protection Force is charged solely with the protection of railway property and the Government Railway Police is charged with the maintenance of law and order and to deal with other crimes on the railways. Reports of several Committees appointed by the Government of India to suggest better security and policing reveal that crime on the railways and with the railway property could not be arrested because the Railway Protection Force lacks legal powers of investigation and they depend upon the Government Railway Police, who are vested with all police powers. The Government Railway Police is not able to combat crime against railway property because of its engagement in maintenance of law and order and the crimes with the property of the railway users.

The Railway Protection Forle Act, 1957, was amended in 1985 and the amendments made by the amending Act were not as per the spirit of recommendations of various Committees appointed from time to time to suggest ways and means for the better functioning of the Railway Protection Force. The Railway Protecton Force was not given any legal powers of investigation and prosecution to deal effectively with various forms of crimes on the railway property.

Moreover, the amending Act was only a pretext to abrogate the fundamental right to form and continue association of the permanent Railway Protection Force personnel and shut their genuine aspirations. After the amendment of Railway Protection Force Act in 1985, the Railway Protection Force Associations, which enjoyed continuous recognition for 14 years, were banned and the avenues of promotion of permanent Railway Protection Force men were taken away by the deputationist IPS officers.

The Railway Protection Force men are civil servants/Railway employee for all purposes as per sections 9 to 10 of the Railway Protection Force Act, 1957, and within the meaning of article 311 of the Constitution of India. So, they should also be governed by/under a set of disciplinary and appeal rules applicable to other civil servants. Since the Railway Protection Force men are neither entrusted with the maintenance of public order nor with the security of the border of the country, they cannot be equated with the members of the defence and other para-military forces. So the Railway Protecton Force men can neither be governed under the disciplinary and appeal rules applicable to other armed forces nor they can be deprived of their fundamenal right to form service associations.

The Bill, therefore seeks to do away with the lacunae in the Railway Protection Force Act, 1957, which were created consequent on the amendment of the Act in 1985 and to make the Railway Protection Force, a more more condusive force for the better protection of railway property.

NEW DELHI;
February 7, 1994.

P. R. KUMARAMANGALAM.

Bill No. 30 of 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act 1994.

Insertion of new article 243/ZDD.

2. After article 243ZD of the Constitution, the following article shall be inserted, namely:—

Constituency Development Committees.

"243ZDD. (1) Every State Government shall constitute such number of Constituency Development Committees (hereinafter referred to as the Committee) as are equal to the number of seats allotted to that State in the House of the People.

(2) The jurisdiction of each Committee constituted for a constituency shall extend to the area of the constituency of the House of the People.

(3) The Committee shall consist of a Chairman, who shall be the member of the House of the People representing that constituency and other members, who shall be the members of the Legislative Assembly of the State representing the constituency falling within the jurisdiction of the Committee and such other members as may be nominated by the State Legislature.

(4) The Legislature of a State shall by law, make provision with respect to the number of members, other than the Chairman and members of the Legislative Assembly, to be appointed to serve on the Committee and their qualifications.

(5) The term of the Committee shall be co-terminus with the membership of the House of the People of the Chairman of the Committee.

(6) For every Committee, there shall be constituted a Constituency Development Fund by the respective State Governments, for the purpose of development of the area to which the jurisdiction of the Committee extends.

(7) The Central Government shall allocate every year not less than twenty-five per cent of total funds provided to all the Ministries or departments of the Union Government in the annual financial statement laid before both Houses of Parliament in respect of every financial year under article 11B in equal proportion to all districts existing in the country as on the date of commencement of the Constitution (Amendment) Act, 1994:

Provided that the sums provided to districts shall be charged on the Consolidated Fund of India:

Provided further that the fund allocated to each district shall be transmitted to such district within a period of ninety days from the commencement of the financial year:

Provided further that the funds allocated to a district shall be divided equally amongst all the members of the Legislative Assembly representing the constituencies falling in that district and the share of every member of the Legislative Assembly representing a constituency within the jurisdiction of the Committee shall be credited to the constituency Development Fund constituted under clause (6).

(8) Every Committee shall, in preparing the development plan—

(a) have regard to matters of common interest between Panchayats and the Municipalities integrated development of infrastructure and environmental conservation;

(b) consult such institutions and organisations as the Committee may deem necessary.

(9) The Committee shall forward the development plans to the authorities of the State Government within its jurisdiction and plans, as recommended by the Committee, shall be executed by such authorities:

Provided that the cost of plans and projects recommended by the Committee in a year shall not exceed the amount of fund allocated to the Committee.

(*10*) The decisions regarding plans and projects to be recommended for execution shall be taken by the Committee unanimously:

Provided that this shall not undermine in any way the powers of the Chairman to take final decisions in such matters.

(*11*) Notwithstanding anything contained in article 243ZD; Panchayats and Municipalities with the jurisdiction of the Committee may recommend plans and projects to the Committee.".

STATEMENT OF OBJECTS AND REASONS

Despite huge amount of money spent by the Government, majority of the village are without basic facilities like drinking water, electricity; roads, transport; educational institutions, etc. Regional imbalances have widened due to lack of proper infra-structure. One of the major reasons for the backwardness of our villages is the faulty and centralised planning. Even in framing of plans and other schemes, the representatives of the people are not involved.

Therefore, it is proposed to amend the Constitution with a view to involving peoples' representatives in the formation of plans and projects in their constituencies and to vest them with more powers in the matter of planning and execution of plans and projects. As most of the plans and projects are not taken up due to financial constraints, it is proposed to allocate funds to constituency development Committees consisting of representatives of the people for taking up plans and projects in their constituencies.

Hence this Bill.

New Delhi;
February 15, 1994.

JEEWAN SHARMA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall allocate every year not less than twenty-five per cent of total funds provided to all the Ministries or departments of the Union Government in equal proportion to all districts in the country and such sums shall be charged on the Consolidated Fund of India.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India in respect of allocation of funds to every district in the country It is estimated that an annual recurring expenditure to the tune of rupees thirty thousand crore is likely to be involved.

No non-recurring expenditure is likely to be involved.

BILL No. 29 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows: -

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1994.

Amendment of Article 244.

2. In article 244 of the Constitution, in clauses (*1*) and (*2*), for the words "and Mizoram", the words ", Mizoram and Manipur" shall be substituted.

Amendment of Fifth Schedule.

3. In the Fifth Schedule to the Constitution, in paragraph 1, for the words "and Mizoram", the words ", Mizoram and Manipur" shall be substituted.

Amendment of Sixth Schedule.

4. In the Sixth Schedule to the Constitution,—

(*a*) in the heading, for the words "and Mizoram", the words ", Mizoram and Manipur" shall be substituted;

(*b*) in sub-paragraph (*1*) of paragraph 1, for the words, figures and letter "Parts I, II and IIA and in Part III" the words, figures and letter "Parts 1, II, IIA, III and IV" shall be substituted;

(c) after paragraph 12B, the following paragraph shall be inserted, namely: —

Application of Acts of Parliament and of the Legislature of the State of Manipur to the autonomous Districts and autonomous regions in the State of Manipur.

"12BB. Notwithstanding anything in this Constitution,—

(*a*) if any provision of a law made by the District or a Regional Council in the State of Manipur with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by the District Council or a Regional Council in that State under paragraph 8 or paragraph 10 of ths Schedule, is repugnant to any provision of a law made by the Legislature of the State of Manipur with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council whether made before or after the law made by the Legislature of the State of Manipur, shall, to the extent of repugnancy, be void and the law made by the Legislature of the State of Manipur shall prevail;

(*b*) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to the autonomous district or an autonomous region in the State of Manipur, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.";

(d) in paragraph 17, after the words "or Mizoram", at both the places where they occur, the words "or Manipur", shall be inserted;

(e) in paragraph 20, in sub-paragraph (1), —

(i) for the words, figures and letter "Part, I, II, IIA and III", the words, figures and letter "Parts I, II, IIA, III and IV" shall be substituted;

(ii) for the words "and the State of Mizoram", the words ",the State of Mizoram and the State of Manipur" shall be inserted;

(*f*) in the Table, after Part III and the entries thereunder, the following Part and entires thereunder shall be inserted, namely: -

"PART IIIA

1. Urhul District.
2. Churachandpur District.
3. Senapati District.
4. Tamenglon District".

STATEMENT OF OBJECTS AND REASONS

Article 244(2) and Sixth Schedule to the Constitution of India provide for the administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram and creation of autonomous districts in these States but there is no such constitutional provision for the State of Manipur.

Since about two-thirds of the entire area of the State of Manipur is inhabited by the tribal people and about one-third of its total population is comprised of tribals, it will be appropriate if the State of Manipur is included in the Sixth Schedule to the Constitution so as to preserve and promote the culture, language and common laws of the tribals in the State.

The Bill seeks to achieve the above objective.

NEW DELHI;
February 23, 1991

YAIMA SINGH YUMANAM.

BILL NO. 31 OF 1994

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964 and the Constitution (Sikkim) Scheduled Castes Order, 1978.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 1994.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint

C.O. 19.

Amendment of the Constitution (Scheduled Castes) Order 1950

2. In the Constitution (Scheduled Castes) Order, 1950,—

(*i*) in paragraph 2, the following Explanation shall be added at the end, namely:—

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

(*ii*) Paragraph 3 shall be omitted.

C.O. 32.

Amendment of the Constitution (Scheduled Castes) (Union Territories) Order, 1951.

3. In the Constitution (Scheduled Castes) (Union Territories) Order, 1951,—

(*i*) in paragraph 2, the following explanation shall be added at the end, namely:—

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

(*ii*) Paragraph 3 shall be omitted.

C.O. 52

Amendment of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

4. In the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, in paragraph 2, for the proviso, the following explanation shall be substituted, namely:—

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

C.O. 64.

Amendment of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.

5. In the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, in paragraph 2, for the proviso the following Explanation shall be substituted, namely :-

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

C.O. 68.

Amendment of the Constitution (Pondicherry) Scheduled Castes Order, 1964.

6. In the Constitution (Pondicherry) Scheduled Castes Order, 1964, in paragraph 2, for the proviso, the following Explanation shall be substituted, namely :—

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

Amendment of the Constitution (Sikkim) Scheduled Castes Order, 1978.

7. In the Constitution (Sikkim) Scheduled Castes Order, 1978, in paragraph 2, for the proviso, the following explanation shall be substituted, namely:— C.O 110.

"Explanation.—For the purposes of this Order, a member of Scheduled Caste who has converted from Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

STATEMENT OF OBJECTS AND REASONS

India is a secular and democratic republic. The Constitution provides for freedom of religion to all its citizens and prohibits discrimination on the basis of religion, caste, place of birth, etc. Thus any law, rule or order which adopts religion as the sole basis of a certain dispensation of the State is violative of the spirit of the Constitution (Scheduled Castes) Order, 1950, providing for reservation and other benefits for Scheduled Castes has religion as its sole basis. Thus, a large section of socially and economically deprived people belonging to other religious groups are deprived of these benefits. The only reason for this state of affairs is that they belong to certain other religious groups. When the Constitution of India prohibits discrimination on the basis of religion, a Constitution order cannot legalise such discrimination. It is, therefore, necessary to amend the various Constitution orders in order to conform them to the dictates of the Constitution.

This Bill seeks to achieve the above purpose

NEW DELHI;
March 8, 1994.

P. J. KURIEN

FINANCIAL MEMORANDUM

Clauses 2, 3, 4, 5, 6 and 7 of the Bill provides for extending the benefits, which at present are being enjoyed by the Scheduled Castes of Hindu, Sikh and Buddhist religion to Scheduled Castes who have converted to other religions. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five crore is likely to be involved.

No non-recurring expenditure is likely to be involved.

C. K. JAIN,
Secretary-General.

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